



Parliamentary Book Shelf

Across the Aisle: Opposition in Canadian Politics by David E. Smith, University of Toronto Press, Toronto, 2013.

Not satisfied with a Triple Crown for his previous three works on the Crown, the Senate and the House of Commons, David Smith has gone for the Grand Slam with this work on parliamentary opposition. In some ways this is his most important work partly because so little has been written about the subject but mainly because of the insight it offers not only into the murky waters of opposition and also the ongoing constitutional struggle between advocates of classical Westminster style responsible government and those who are more radical democrats.

A large part of the book is historical in nature and deals with classical opposition in a two party system up to 1921 and the very slight differences wrought by adding minority parties to the equation from 1921 to 1992.

But something changes following the 1993 election. Two traditional parties, the Progressive Conservatives and the New Democratic Party were decimated and two new parties emerged. The Bloc québécois formed her Majesty's Loyal Opposition despite its dedication to the independence of Quebec. More significantly a new Reform Party promised a whole new approach to parliamentary government.

Reform presented a challenge to the principle of parliamentary democracy, none more so than its ignorance of how the system worked. For instance following the narrow federalist victory in the Quebec Referendum of 1995 Manning suggested there should be a method of impeaching Jean Chrétien in case there is a screw loose in his office (p. 85).

With the transformation of Reform into a new Conservative Party and the emergence of the NDP to the status of Official Opposition after the 2011 election one might conclude that the *status quo* is back.

Instead, Smith shows that the character of opposition appears to have been permanently changed. The old view that Parliament is a place to achieve consensus has been replaced by a sense that in Parliament the "majority rules" Government and Loyal Opposition are no longer partners who work together in the service of the Sovereign. Instead sovereignty is seen as resting with the people and the two teams, government and opposition; compete for a favourable nod from the new sovereign. The implications of this change are enormous and explain why western democracies have lost their way and why the mixed constitutions of south East Asia may be better equipped to survive in the long run. But that is the subject for another book.

Smith's focus is on Canada which, like Britain, has a mixed

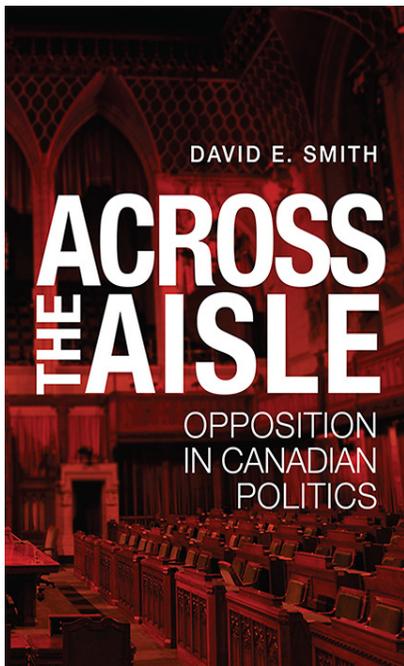
constitution but we seem intent on following the Americans and staking everything in a blind faith in the virtues of democracy.

He points to several important differences between British and Canadian approaches to opposition. Perhaps the most important is the way the British Shadow Cabinet serves as a real government in waiting whereas the critic portfolios in Canada have little relation to who will be appointed to which ministries when the government changes. This may be one reason it takes days to do a transition in Britain and weeks or months in Canada. The proliferation of Officers of Parliament in Canada has also served to undermine parliamentary opposition.

Independence and accountability are contradictory principles, whose realization is further impeded by the triangular set of interrelationships that exist between officers, governments and the legislature. (p. 117).

The growth of independent officers may appear to be a refinement of legislative oversight but Smith agrees with those who see them as another example of American influence.

The chapter, Whither Parliamentary Opposition, deals in part with the coalition crisis of 2008-2009. On one hand he suggests that the Liberals may have been too anxious to return to power rather than accept the



verdict of the electorate and work effectively as an opposition. On the other hand,

If governments are not made and unmade in the House of commons what does this mean for the status of Parliament (p.151)

The book concludes, uncharacteristically, on a pessimistic note. Smith suggests that we are embracing irreconcilable principles in our constitution. Ultimately the question is whether members of the House of Commons owe fidelity to their respective constituents or to their sovereign. It cannot be both.

Gary Levy
Editor

Parlementarisme et Francophonie, edited by Éric Montigny and François Gélinau, Québec City: Presses de l'Université Laval, 2012, 341 p.

This edited volume is a result of an international symposium on francophone parliaments, *Plurielle et fière de l'être: la Francophonie parlementaire*, organized by Laval University's Research Chair on Democracy and Parliamentary Institutions. It took place in the Legislative Council Room of the Québec National Assembly on February 25 and 26, 2011, with over 200 in attendance.

The Francophonie (with a capital F) refers to the institutional structure governing relations among French-speaking states. The parliaments of these states and federations are eligible for membership in an interparliamentary and international cooperative assembly, the *Assemblée parlementaire de la Francophonie*.

The roughly 70 member parliaments are highly diverse both in how they are organized and how they conduct themselves. Until 2011, no real comparative study of this diversity had been carried out, hence the symposium in Québec City. The aim was to catalogue the various parliamentary practices within the Francophonie, explore the differences between the parliaments and identify where they are similar.

For this summary, we first focus on Canada's various legislatures that were discussed in oral and written contributions (the Parliament of Canada, the Québec National Assembly and the Legislative Assembly of New

Brunswick). We then turn our attention to the Parliament of the French Republic and to the Swiss Federal Assembly.

Chapter 1 deals with the Parliament of Canada. From the outset, author Éric Montigny states that the executive branch plays a leading role in Parliament, the government, through its House leaders, controls the legislative agenda. Then there is the prime minister, who enjoys the powers of an elected monarch. As the head of the government, he is able to make many public appointments: judges (including provincial superior court justices), senior federal public servants, senators and so forth.

In a minority parliament, the opposition parties have significant influence over the fate of the government's legislative program, obliging the government to negotiate passage of its bills one by one. Minority governments occur relatively frequently in Canada; there have been roughly a dozen since 1867.

The author argues that the principle of responsible government in Canada blurs the lines between the executive and the legislative. However, this does not prevent the opposition from exercising meaningful control over the government and the public service, for which it has a number of institutional tools at its disposal.

Chapter 2 looks at Québec's parliamentary system. Professor Réjean Pelletier views ministerial responsibility as paradoxically leading to the government's non-responsibility before the Assembly. In his view, this results in unwavering support for the government by the members of the ruling party due to party